

## **BOARD OF EXAMINERS IN OPTOMETRY**

### **Regular Session Minutes**

**Wed. November 17, 2010  
DHMH  
4201 Patterson Avenue #110  
9:30 a.m.**

The Regular Session meeting of the Board of Examiners in Optometry was held on Wednesday, November 17, 2010 in room #110 DHMH Metro Executive Building, 4201 Patterson Avenue, Baltimore, Maryland. Board members present were, Jo Anne Brilliant, O.D., Stephen Kwan, O.D., Phyllis M. Strickland, O.D., Kisha Fields Matthews, and Frederick J. Walsh, Ph.D., Also present were Patricia G. Bennett, Board Administrator, Delia Turano Schadt, Board Counsel and visitor, Bruce Bereano. Thomas Azman, O.D. and Kecia Dunham, Licensing Coordinator, were not in attendance.

#### **A. Opening of Meeting**

Dr. Strickland called the meeting to order at 9:44 a.m.

#### **B. Minutes**

The regular session minutes of September 22, 2010 were reviewed. There was a correction noted under Committee Reports #6 ARBO to delete the sentence – Dr. Strickland stated that there was no report. Pat Bennett reported that there was no report. There was a correction on page 2 under number 3 Patient Bill of Rights to add Dr. Azman's name after Kisha Fields Matthews' name. Dr. Brilliant moved and Kisha Fields Matthews seconded to accept the minutes as corrected. The Board's vote was unanimous.

#### **C. Committee Reports**

##### **1. Continuing Education- Dr. Brilliant**

Dr. Brilliant indicated that there was no report.

##### **2, Credentialing – Dr. Kwan**

Dr. Kwan stated that there was no report

##### **3. QEI – Dr. Brilliant**

Dr. Brilliant discussed the Committee's CE Project for licensees to receive up to 6 hours toward their renewal requirements. The Committee met on October 21, 2010. There were 3 teams set up to review, update and make recommendations regarding the components of the project – 1. Multiple choice test covering topics from educational newsletters; 2. Patient record review and 3. Adverse events. The goal is to send out the project with the Board newsletter mailing in December.

##### **4. Rehabilitation – Dr. Azman**

Patricia Bennett reported that there is a link on the Board's website under Rehabilitation Committee to the Department's web pages with information and links to resources throughout the state of Maryland that offer treatment and rehabilitation for substance abuse as well as physical, emotional or mental conditions.

##### **5. Budget – Dr. Strickland**

As of November 8, 2010, the Board's expenditure balance for FY 2011 is \$202,211.69 and the Revenue - Special Fund balance to date is \$79,618.39.

##### **6. ARBO – Dr. Strickland**

Dr. Strickland stated that there was no current information to report.

##### **7. Legislation – Pat Bennett**

Ms. Bennett stated that there was no report however she advised the Board that they needed a Legislative Liaison for the upcoming session. Dr. Kwan and Kisha Fields Matthews volunteered to serve in this capacity.

## **D. Old Business**

### **1. Regulations**

Kristen Neville, Regulations and Legislation Specialist for the Boards and the Commission attended the meeting and discussed her role in assisting the Board with drafting language for the Professional Leadership regulation that the Board has pending as well as the drafting of regulations for the Sanctioning Guidelines that were legislated for all the Boards.

### **2. Legislation**

HB 114 – Health Occupations Boards – Revisions

Ms. Bennett reported that she submitted an action plan to the Department's Chief of Staff, listing the Board's approval and implementation of the mandates of the legislation and the status of the sanctioning guidelines.

### **Sanctioning Guidelines**

Ms. Bennett reported that she and the Board's committee which consists of Drs. Strickland and Kwan met following the September 22, 2010 Board meeting. The committee reviewed in the Board's statute § 11-313 Grounds for denials, reprimands, probations, suspensions, and revocations – and categorized each as either a violation of Standard of Care or a Business Practice. In each category there are 4 groupings. In addition, Ms. Bennett prepared for committee members a report of the Board Consent Orders issued with their accompanying violations and sanctions. The committee will meet following the January Board meeting to continue the process of establishing the appropriate sanctions for each group within the 2 categories.

### **3. Patient Bill of Rights**

The Board reviewed and adopted the Patient Bill of Rights that was prepared by Dr. Walsh, Kisha Fields Matthews and Dr. Azman. The document will be included in the Board newsletter mailing in December and will be posted on the Board's website.

### **4. Board Annual Newsletter 2011**

The newsletter draft was reviewed by Board members and some corrections were noted. Ms. Bennett advised members that she could accept changes through the beginning of December. Dr. Brilliant moved and Dr. Walsh seconded to approve the final draft of the newsletter as corrected for submission to the Copy Center prior to the Holidays. The Board's vote was unanimous.

## **E. Administrator's Report**

Ms. Bennett did not provide a separate report as she had reported on numerous topics during the course meeting.

## **F. New Business**

### **1. Licenses Issued 9/21 – 11/4/2010**

Ms. Bennett reported that 6 licenses were issued during the period. A motion was made by Dr. Brilliant and seconded by Kisha Fields Matthews to approve the licenses issued. The Board's vote was unanimous.

### **2. Optometric Technicians/ Assistants**

There was a suggestion from a prior meeting to discuss the role of Optometric Technicians/Assistants and their impact on the practice of licensed Optometrists. Dr. Walsh expressed concerns about the scope of practice of these individuals and whether there is a possibility that they may be practicing optometry without a license in various settings. In Maryland, these individuals are not in a regulated profession and under the Optometry Board as they may be in other jurisdictions. Delia Schadt, Board Counsel, advised the Board that the Optometry Statute

governs the practice of optometry and its licensees explicitly. Therefore, the Board would only have jurisdiction over an optometrist who aids an unauthorized person in the practice of optometry. Ms. Schadt determined that an article in the Board newsletter regarding this issue would provide clarification and guidance to licensees who work in practice settings with these technicians/assistants.

It was noted that Albert Figinski is no longer representing the interests of individuals in the vision care industry.

The Regular Session of the Board meeting was adjourned at 11:00 a.m.

Respectfully submitted,

Kisha Fields Matthews  
Board Secretary